

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

JAN 05 2024

PER 
DEPUTY CLERK

(1) KEVIN S. PERRY 90122 :
(Name of Plaintiff) (Inmate Number) :
DAUPHIN COUNTY PRISON, 501 MALL :
ROAD, HARRISBURG, PENNSYLVANIA 17111 :
(Address) :

(2) N/A :
(Name of Plaintiff) (Inmate Number) :
N/A :
(Address) :

(Case Number)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) GREGORY C. BRIGGS, WARDEN, DAUPHIN :
COUNTY PRISON :
(2) LIONELL PIERRE, DEPUTY WARDEN, :
DAUPHIN COUNTY PRISON :
(3) PRIMECARE MEDICAL, INC., ET AL :
(Names of Defendants) :

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: X 42 U.S.C. § 1983 - STATE OFFICIALS
_____ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? I filed multiple grievances with D.C.P. after being refused proper medical treatment by the institution.
 2. What was the result? The institutions Medical Department refused me the services of a specialist and on grievance appeal Warden Gregory C. Briggs denied my request for outside treatment (specialist).
- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS

- (1) Name of first defendant: GREGORY C. BRIGGS

Employed as WARDEN at DAUPHIN COUNTY PRISON
 Mailing address: 501 MALL ROAD, HARRISBURG, PENNSYLVANIA 17111

- (2) Name of second defendant: LIONELL PIERRE

Employed as DEPUTY WARDEN at DAUPHIN COUNTY PRISON
 Mailing address: 501 MALL ROAD, HARRISBURG, PENNSYLVANIA, 17111

- (3) Name of third defendant: PRIMECARE MEDICAL INC.

Employed as MEDICAL DEPARTMENT at DAUPHIN COUNTY PRISON
 Mailing address: 501 MALL ROAD, HARRISBURG, PENNSYLVANIA 17111

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. COUNT 1 - DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED -
The Plaintiff avers that Defendants Gregory C. Briggs, Lionell Pierre, PrimeCare Medical Inc, Et. Al, knowing that the Plaintiff

- 4) Justin M. Lensbower, Health Service
administrator, Dauphin County Prison
- 5) Deputy Warden LeValley, Dauphin County
Prison
- 6)
- 7)
- 8)
- 9)
- 10)

III. DEFENDANTS

4) Justin M. Lensbower

Employed as Health Service Administrator at Dauphin County Prison,
501 Mall Road, Harrisburg, Pennsylvania 17111

5) Mr. LeValley

Employed as Deputy Warden at Dauphin County Prison,
501 Mall Road, Harrisburg, Pennsylvania 17111

- reported an infection in his toe initially on or about December 07, 2022.
2. COUNT 2-Medical Malpractice - The Plaintiff avers that the Defendant, Prime Care Medical Inc., during the course of its professional relationship with the Plaintiff, rendered erroneous, unintelligent, and limb-decapitating medical
 3. COUNT 3-Negligence - The Plaintiff avers that Defendants Gregory C. Briggs, Lionell Pierre, Prime Care Medical Inc., Et. Al.; after being advised by the Plaintiff through multiple correspondence forms provided by the

V. RELIEF - JURY TRIAL DEMAND

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. The Plaintiff requests that this Honorable Court Order, at Count 1, the Defendants to pay him damages in their professional capacities in the amount of five-million dollars (\$5,000,000.00); and in their individual capacities fifty-thousand dollars (\$50,000.00) each.
2. The Plaintiff request that this Honorable Court Order, at Count 2, the Defendant to pay him damages in the amount of five-million dollars (\$5,000,000.00) in its corporate or professional capacity for medical malpractice.
3. The Plaintiff requests that this Honorable Court Order, at Count 3, the Defendants to pay him damages in their professional capacities in the amount of five-million dollars (\$5,000,000.00); and in their individual capacities fifty-thousand dollars (\$50,000.00) each for intentional negligence.

COUNT 1 - acted recklessly, maliciously, and deliberately indifferent to the Plaintiffs' medical emergency. The Plaintiff submitted multiple Sick Call Medical Forms, institutional Request Slips to staff, and Inmate Grievances requesting competent medical treatment. The Plaintiffs' pleas for adequate medical treatment were denied at every level of the administrative process (rejected repeatedly). Resulting in the infected toe and foot area blackening, decaying, and deforming to an unrecoverable state. The toe and foot area has lost a significant amount of its mobility, nerve endings, and reflexes; possibly requiring amputation.

COUNT 2 - advice and treatments. The Defendant, without adequate research, testing, and second-opinion specialist consultations; erroneously attributed and listed the Plaintiff's foot infection as a "cosmetic issue." Prime Care Medical Inc. then further complicated the infected area by experimenting with a series of various antibiotics that were all ineffective. The antibiotic treatments caused excessive sicknesses and pain/suffering. The medicines were administered to the Plaintiff without an accurate nor certain diagnosis. All of Prime Care Medical Inc.'s actions were incompetent, and may result in amputation.

COUNT 3 - institution (Medical Sick Calls, Grievances, Request Forms, etc.); acted intentionally negligent to the Plaintiff's serious medical needs and pleas for competent treatment. The negligence issued in various forms of inaction. Including but not limited to treating the Plaintiff as an annoyance, failing to respond to correspondences, minimizing the severity of the Plaintiff's health issues, misdirection of communications, etc... All actions by the listed Defendants resulting in extreme pain and suffering in addition to the possible amputation of the Plaintiff's toe.

COUNT 4 - 8th Amendment Violation - Cruel and Unusual Punishment - The Plaintiff avers that Defendants Gregory C. Briggs, Lionell Pierre, Prime Care Medical Inc., Et. Al.; for a period of at least two years (2 yrs.), subjected the Plaintiff to cruel and unusual punishment, with unnecessary mental anguish and physical irreversible harm, purposefully and violation of the institutions duty to protect the Plaintiff. As a result of the Defendants' actions/inactions the Plaintiff has been subjected to unbearable amounts of physical pain, psychological trauma (extreme depression, anxiety, high stress levels, etc.) for extended periods. The Plaintiff's foot currently in extreme pain discolored, and may require amputation. The Plaintiff's foot has lost its functions and full range-of-motion. The Plaintiff is to date experiencing hopelessness, stiffness, and nerve pain resulting from the Institutions incompetence regarding his serious medical needs.

RELIEF - #4 - The Plaintiff requests that this Honorable Court Order at Count 4, damages in the Defendants professional capacities in the amount of five-million dollars (\$5,000,000.00) for pain and suffering.

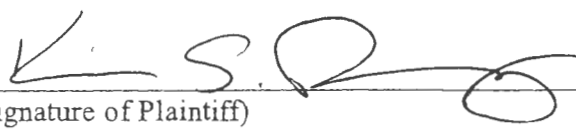
Damages in the Defendant's professional capacities in the amount of five-million (\$5,000,000.00) for psychological harm and mental anguish.

Damages in the Defendants individual capacities in the amount of fifty-thousand dollars (\$50,000.00) each for violating the Plaintiff's Eighth Amendment U.S. Constitutional right to be free of cruel and unusual punishment.

RELIEF - #5 - Appoint Court Ordered counsel to represent the Plaintiff in all matters resulting from this action. The Complaint involves complicated matters beyond the Plaintiffs full understanding and ability to litigate.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of December, 2023.


(Signature of Plaintiff)

NAME: Kevin S. Perry
D.C.P. # 90122
DAUPHIN COUNTY PRISON
501 MALL ROAD
HARRISBURG, PA 17111-1299

RECEIVED
HARRISBURG, PA

JAN 05 2024

PER

[Signature]
DEPUTY CLERK

Clerk of Court

1501 N. 6th Street
Suite 101

Harrisburg Pa. 1-